Previous references.

1911.

(Legislation)

File No. 4—11

Serial Nos. 1—3

Later references.

Leg 49-11-1-3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

(II)

Part B. for September 1911

SUBJECT.

Amendment of sec^n 14 of the Succession Certificate - Regulation VII 1901

To The Registrar, Chief Court - No: J. 36 of 5.7.11

1) Invites the opinion of the Chief Court re the amendment in question

From — do — no 273 of 17.7.11

2) states that the Law need not be amended.

To 1) The Registrar, Chief Court -

3) G. R. S. 58 2) The D.C. Mysore for communication to R.A. members concerned.

orders that the existing rules require no amendment

Cronin
28/10/11

1

G.R.S. 11] 1901-12

GENERAL AND REVENUE SECRETARIAT

(Legislation)

NOTES.

File No. 4-11

FILE HEADING.

Amendment of Sec: 14 of the Succession Certificate Regulation-VII of 1901

From

No. | Dated | Received

Diary No. | Enclos. | Spare Copies | Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

GPB—15,000—24-4-09

2

SUBJECT No. 36.

Fee for succession certificates.

Mr. A. Ramanna, Yedatore Taluk.

Summary of discussion.—In cases coming under the Succession Certificate Act and in granting certificates to guardians of minors, it works very hard to litigant public that they should be required to deposit the stamp fee at the time of filing applications. Amendment of law that such fee may be paid once for all while taking out copy after order is passed may be ordered. The difficulty arises in cases where several persons apply for a certificate of succession, while in the end it frequently happens that only one of them is granted the certificate by the Court. Even in such cases it is necessary under the law as it stands that all the applicants should pay into court the stamp fee for the certificate.

Reply of Government.—The matter will be considered.

Subject 1) The representation regarding guardianship certificate requires no consideration as the guardians & wards Regulation has done away with the Court fee which were leviable formerly on them.

yes

2) As regards the succession Certificates the Member seems to refer to the provisions of Sec 14 of Regn VII of 1501. The Govt have promised to consider the representation Perhaps the opinion of the Chief Court may be called for in the first instance as to what any change in the law is necessary which is the same as in British India is required.

yes

Submitted for orders
1128 (25) 16/6/11 SW(11) 19/6

19/6/11

Yes pro draft
yes 3) Draft submitted for approval
710 (25) 20/6/11 SW(11) 21/6

4 Issued

21/6/11

8/7/11

Serial No.

1 No J 36 dated 5/7/11

To the Registrar, Chief Court Pollyoor, Bangalore

~~Requests that he may~~ Invites his attention to Dassara: Subject No 36 of 1910 and requests him to furnish Govt with the opinion of the Chief Court in the matter.

2 No J 273 dated 17/7/11

Forwards a copy of the officiating Chief Judge's note re Subject No 36 of the R A Proceedings saying that the existing law need not be amended.

Draft Submitted.
SA (157) DIV(11)
20/7/11

5 Draft may be approved
21/7/11

Leg 2nd C

6 Draft approved by 2nd Councillor 19/8/11

Dewan

(Fair draft put up)

13161
22.8.11

7 Draft approved by the Dewan 21.9.11.

& Issue (Soon - Dassara Subject)

Note—Contn. sheet.

GPB—55,000—27-4-11

4

G. R. S. 12]
General and Revenue Secretariat.

Legis'. File No. 4 of 1911-12

Serial No.	
3	No. J/1068-9 dated 27/9/11 from the Registrar Chief Court and D. C. Hyderabad for communication to the member who mooted the subject
	Orders that the existing rules require no amendment.

B ✓

Note—Contn. sheet.

GPB—50,000—12-8-10

ab 36 ~ 3/6

G.R.S. 26]

Legis File No. 4-11

Serial No. 1

Diary No. of letter replied to

No. J 36 Encl 1.

General and Revenue Secretariat

(Legis)

, *the* 19 .

To

The Registrar of the Chief Court of Mysore, Bangalore

Date of issue 5-7-11

Signed by mr S. Hariyanmaiya

Has the honor to invite his attention to subject No 36 of the Representative Assembly Proceedings of 1910. re Fees for succession Certificates and the reply of Govt thereto, and to request the favour of his furnishing Govt with the opinion of the Chief Court as desired in the matter ~~as to whether any change in the law, which is this request is the same as~~

over.

SUBJECT

no B. District is required. 2

vide section 14 of the B. Indian Succession Certificate Act & the Bombay Succession Certificate Regulations. As will be seen the representation regarding the matter of guardianship certificate needs no consideration. The necessary provision having already been made in the Guardians & Wards Regulation recently passed. (vide schedule appended to the Regulation)

B. O

Secy to Govt

List of enclosures,

Copied by

Examined by

GPB—20,000—12-8-10

No. 273 Jud. 17

3

B A N G A L O R E,

Dated 15th July 1911.

17

From,

V. A. Rajaratna Mudaliar, Esquire,

Registrar, Chief Court of Mysore.

To,

The Secretary to Government,

General and Revenue Departments.

S i r ,

With reference to your letter No. J.35/Legis. dated the 5th Instant, in re subject No. 36 of the Representative Assembly Proceedings of 1910 (Fees for Succession Certificates), I am directed to forward a copy of the Officiating Chief Judge's note and to add that the other Judges agree in the opinion therein expressed.

I have the honor to be,

Sir,

Your most obedient servant,

V. A. Rajaratna Mudaliar

REGISTRAR.

8.7.

Officiating Chief Judge's note : -

As a rule certificates in the names of two or three persons jointly are not granted under the Regulation as it is considered objectionable to do so. The depositing of the requisite fees at the time of filing application is beneficial in more ways than one. It often happens that after an order is passed in favour of an applicant he does not pay the necessary fee and obtain certificate, but takes a copy of the order passed by the Court in his favour and on the strength of it induces ignorant debtors to believe that he is the ~~justified~~ rightful heir of the deceased and makes them pay up the debts due by them, and that thereafter. on the application of another person who satisfies the Court that he is better fitted to administer the estate of the deceased, the certificate is granted to him, and he then finds that a fraud has been practised upon the debtors by the person in whose favour the first order was passed. In such cases, either the debtors will have to pay the debt over again, or the Certificate-holders will have to take their chance of recovering the moneys from the person who wrongfully received them. The hardship that thus results is certainly far greater than the

hardship

Fair draft

6

G.R.S. 28.]

Legis File No. 4-11

Serial No. 3

Diary No. of letter replied to 9188

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Legis)

, *the* 19

Date of issue. 27-9-11

Signed by Mr S Srinivasaya

READ--

(1) Subject No 36 of the Representative Assembly Proceedings, 1910, re the amendment of the Succession Certificate Regn so as to make the fee for a succession certificate payable once for all while taking out the certificate ~~ORDER THEREON. NO.~~ after the passing of the order in the case.

(2) Letter No 273 dated 17th July 1911 from the Registrar Chief Court, forwarding the opinion

over

SUBJECT.

GPB—10,000—19-4-10

copd
9/6/9/11

of the Chief Court-

7

Order thereon :- No: J/1068-9/Legis 4-11-3 & 27-9-11

Government agree with the opinion of the Chief Court that the existing law requires no amendment-

USS/

for Offg. Secretary to Govt-

To

The Registrar Chief Court-

The Deputy Commissioner, Mysore &c for communication to the member concerned

Copy to the Finance Section

Sec'd SW.